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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,309	08/27/2003	Ronald W. Hartgrove	11149.0030.NPUS00	5404
23369	7590	12/22/2004	EXAMINER	
HOWREY SIMON ARNOLD & WHITE LLP 750 BERING DRIVE HOUSTON, TX 77057			LAVINDER, JACK W	
		ART UNIT		PAPER NUMBER
				3677

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/649,309	HARTGROVE, RONALD W
	Examiner	Art Unit
	Jack W. Lavinder	3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/01/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 26 (second numbered claim 26) has been renumbered as claim 27.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 12, 16-18, 20-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Baum, 1707780.

3. Regarding claims 1, 6-9, 16, 17, 24-27, Baum discloses

- A body (10) defining a mounting area (top portion of the body), wherein the mounting area holds a setting (13', 15) except along the axis coming out of the page in figure 1
- A removable module (16, 18, 19) coupling on the body via the rod protrusion on the module (18) and the socket (17) on the body for holding the setting in the mounting area along the axis

4. Regarding claims 2-5, and 20-23, Baum's module includes a portion adjacent the setting to prevent the setting from escaping the mounting area. This recitation of the portion could be read on a number of parts on Baum's module: the plate (19), lug (18) and the lug extending into the setting (figure 3). The lug (18) is the left side of the module and the lug extending into the setting is the right side of the module.

5. Regarding claim 12, the socket (17) is considered to be the recess as defined in the claim.

6. Regarding claims 18 and 28, the middle section (16) of the module is considered to be the biasing member/spring as defined in the claim.

7. Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Estrin et al., 3307375.

8. Regarding claims 6, 8, Estrin discloses an interchangeable setting (26), a body (16) defining a mounting area for holding the setting on the body except along one axis (figure 2), and a module (A, 24) mechanically coupling on the body.

9. Regarding claim 7, Estrin discloses a body having first (inner side, where the user's finger is inserted) and second (right side in figure 2) sides.

10. Regarding claim 9, Estrin discloses a mounting area, which is partially open (figure 2).

11. Claims 6-12, 16, 17, 25, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks, 5228317.

12. Regarding claims 6-9, 16, 17 and 25, Hendricks discloses an interchangeable setting (20), a body (23, figure 2) defining a mounting area (defined in the region of 35

and 39) for holding the setting on the body except along one axis (the axis coming out-of-the page in figure 2), a module (27) for mechanically coupling on the body and preventing removal of the setting from the mounting area along the axis.

13. Regarding claim 10, Hendricks discloses a mounting area (35, 39) defined by a radius with a circumferential dimension at least greater than half of a circle (figure 5).

14. Regarding claim 11, Hendricks discloses a portion of a setting (20), which includes a portion of a disk, i.e., the setting 20 discloses a conical shape, wherein the crown is considered to be a portion of a disk. The recitation in the claim to a portion of a disk or cylinder or sphere is so broad, just about any part of the setting 20 could define a portion of a sphere or cylinder or disk.

15. Regarding claim 12, Hendricks discloses a recessed portion (39).

16. Regarding claim 30, Hendricks discloses that the user's finger holds the module in place to hold the setting on the ring.

17. Claims 6-9, 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Appelbaum, 5133195.

18. Regarding claims 6-9 and 16-17, Appelbaum discloses an interchangeable setting (20,24), a body (16) defining a mounting area (figure 3) for holding the setting on the body except along one axis (the axis coming out-of-the page in figure 3), a module (26, 50) for mechanically coupling on the body and preventing removal of the setting from the mounting area along the axis.

19. Regarding claim 12, Appelbaum discloses a recessed portion (recess in bottom of element 28, figure 3).

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20. Regarding claim 13, Appelbaum discloses a bridge (34) wherein a portion (50, 60, 70) of the module fits onto the bridge from the opening for wearing the article.

21. Regarding claim 14, Appelbaum discloses a module defining a slot, i.e., the slot defined between upper portion (26) and lower portion (50).

22. Regarding claim 15, Appelbaum discloses a module fitting onto the bridge from the opening for wearing the article (figures 4 and 5).

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 6, 19, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks, as applied above, in view of Hartgrove, 6715315.

25. Regarding claims 6 and 25, Hendricks discloses an interchangeable setting (20), a body (23, figure 2) defining a mounting area (defined in the region of 35 and 39) for holding the setting on the body except along one axis (the axis coming out-of-the page in figure 2), a module (27) for mechanically coupling on the body and preventing removal of the setting from the mounting area along the axis.

26. Regarding claims 19 and 29, Hendricks discloses frictional engagement between the body and the module (23, 27) and a rivet or pin (mechanical coupling) to maintain the setting/module on the body. Hendricks fails to disclose a magnet in addition to the mechanical coupling (pin or rivet) for coupling the body to the module.

27. Hartgrove, discloses the use of magnets (30, 32) in a very similar interchangeable setting ring to maintain the module (20a) in contact with the body (20b). It is old and well known that the use of frictional engagement between two parts and magnetic engagement between two parts both accomplish the same result of securing the two parts together without the use of mechanical fasteners.

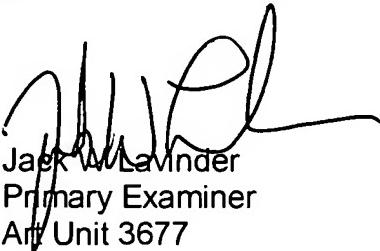
28. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the magnets, as taught by Hartgrove, in place of the frictional interaction between the body and module in Hendricks in order to increase the ease of pivoting the module into a closed position to hold the setting on the ring. This provides an easier means of closing the module onto the body while ensuring that the interchangeable setting will remain in place when the ring is removed from the wearer's finger. Thus, preventing the loss of the setting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 703-308-3421. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W. Lavinder
Primary Examiner
Art Unit 3677

12/21/04